

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 13-20039-4

SYED SHAH,

Hon. Bernard A. Friedman

Defendant.

BARBARA L. McQUADE (P45423)
United States Attorney

MICHAEL J. McCARTHY, P.C.
Michael J. McCarthy (P30169)
Attorney for Defendant
26001 Five Mile Road
Redford, MI 48239
(313) 535-1300

MOTION TO REMOVE TETHER REQUIREMENT

NOW COMES the Defendant, Syed Shah, by and through his attorney, Michael J. McCarthy (P30169), and for his Motion to Remove Tether Requirement states unto this Honorable Court as follows:

1. That the defendant is currently awaiting sentencing pursuant to his guilty plea based conviction for one count of health care fraud conspiracy, contrary to 18 U.S.C. §§1349 and 1347.

2. That the defendant's sentencing hearing is scheduled for April 7, 2015 at 11:00 am.

3. That the defendant has been at liberty on an unsecured \$10,000.00 bond since the date of his arraignment, January 18, 2013.

4. That one of the requirements of the bond was that the defendant be monitored electronically through a tether carried on his leg.

5. That the defendant is currently self-employed as a limousine service driver/provider which work requires him to be available for almost twenty four hours of each day.

6. That on September 16, 2014 the Pretrial Service Officer (PSO) supervising the defendant contacted defense counsel and the Assistant United States Attorney (AUSA) assigned to this matter and asked whether it was still necessary to continue the defendant on tether/location monitoring if he is out of his home at work more than he is in it. (A copy of the email sent by PSO Simona Turner, LMSW, to defense counsel and AUSA Naill M. O'Donnell, Esq. on September 16, 2014 is attached as Defendant's Exhibit A.)

7. That upon receiving that communication from the PSO defense counsel contacted the defendant, on September 20, 2014, who confirmed that the hours of his current self-employment can be at, and often are, any hour of the day.

8. That the defendant has been fully compliant with the terms of his unsecured bond since January 18, 2013.

9. That he poses no danger to the community and does not

constitute a flight risk.

10. That the defendant requests that the tether requirement of his bond be deleted.

11. That, pursuant to Local Rule 7.1(a)(1), defense counsel requested the concurrence of Naill M. O'Donnell, Esq., the AUSA assigned to this matter, and his concurrence was given on September 26, 2014.

WHEREFORE the Defendant, Syed Shah, having no relief except before this Honorable Court, prays that the tether requirement be deleted from the terms of his unsecured bond.

MICHAEL J. MCCARTHY, P.C.

September 30, 2014

/s/ Michael J. McCarthy
Michael J. McCarthy (P30169)
Attorney for Defendant
26001 Five Mile Road
Redford, MI 48239
(313) 535-1300
mjfmcccltd@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2014, I electronically filed the foregoing document with the Clerk of the Court using ECF system which will send notification of such filing to all parties of record.

September 30, 2014

/s/ Michael J. McCarthy
Michael J. McCarthy (P30169)
Attorney for Defendant
26001 Five Mile Road
Redford, MI 48239
(313) 535-1300
mjfmcccltd@yahoo.com